

FILED 18 APR '16 11:48 USDC-ORP

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

JAMES LEROY HERRINGTON

(Enter full name of plaintiff(s))

Plaintiff(s),

Civil Case No. 2:16-cv-680-AC
(to be assigned by Clerk of the Court)

PRISONER CIVIL RIGHTS
COMPLAINT

v.
DR. THOMAS BRISTOL; DR. JUDITH ELLIOTT SPARKS;
DR. GARTH GULICK; A. CLEMENTS
THERAPEUTIC LEVEL OF CARE COMMITTEE
GARTH GULICK; STEVE SHELTON; MICHAEL GOODER
(Enter full name of ALL defendant(s))

Defendant(s).

I.

- A. Have you brought any other action or appeal in a court of the United States while a prisoner?

Yes ☒ No ☐

- B. If your answer to A is yes, how many? 2. Describe the lawsuit(s) in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to the previous lawsuit:

Plaintiff(s): JAMES LEROY HERRINGTON

Defendant(s): DR. ELLIOTT-BLAKE; DR. THOMAS BRISTOL;
KAREN BELL, IRENE FALKMAN, S.W. COX

2. Court: U.S. DIST COURT. DIST. OF OREGON, PORTLAND DIVISION
3. Docket Number: 2:12-CV-01648-AC/2313-CV-00948-AC
4. Name of judge to whom case was assigned: ACOSTA
5. Disposition (Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing: 9-12-12
7. Approximate date of disposition: _____

II.

- A. Place of confinement: SNAKE RIVER CORRECTIONAL INSTITUTION
- B. Is there a prisoner grievance procedure in this institution?
Yes ☒ No ☐
- C. Have you filed a grievance concerning the facts relating to this complaint?
Yes ☒ No ☐
If your answer is no, explain why not:

- D. Is the grievance process completed?
Yes ☒ No ☐

III. PARTIES

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff: JAMES LEROY HERRINGTON
 Security Identification No.: 4218905
 Address: 777 STANTON BLVD
ONTARIO, OREGON 97141-8335

(In item B, place the full name of each defendant, his/her official position, and his/her place of employment.)

B. Defendant THOMAS BRISTOL is employed as DOCTOR
 at SRCT

Defendant JASON ELLIOT BLAKE is employed as DOCTOR
 at SRCT

Defendant GARTH GULICK is employed as DOCTOR
 at SRCT

Defendant STEVE SHELTON is employed as DOCTOR
 at ODOC

Defendant A. CLEMENTS is employed as REGISTERED NURSE
 at SRCT

Additional defendants: _____

IV. STATEMENT OF CLAIM

Claim I

State what right under the Constitution, laws, or treaties of the United States has been violated.

U.S.C.A. 8TH + 14TH, DELIBERATE INDIFFERENCE & CRUEL & UNUSUAL
PUNISHMENT & UNNECESSARY & WANTON INFLECTION OF PAIN &
PHYSICAL & EMOTIONAL PAIN & SUFFERING

Supporting Facts: (State here as briefly as possible the facts of your case. Describe how each defendant is involved and when the conduct occurred. It is not necessary to give any legal arguments or cite any cases or statutes.)

ON OR AROUND 02/10/2013, DR. THOMAS BRISTOL EXAMINED PLAINTIFF'S
FEET, 5TH (LITTLE) TOES OF BOTH FEET SWOLLEN & INFLAMED, NO DIAGNOSIS,
RETURN 90 DAYS FOR FOLLOW-UP. SAID CONDITION PROCEEDED TO
INCLUDE THE 5TH + 4TH TOES LEFT FOOT, 5TH 4TH, 3RD + 2ND TOES RIGHT FOOT.
DEFENDANT MADE MINOR ATTEMPTS TO DISPERSE SAID CONDITION.
DEFENDANT FAILED TO TREAT SWELLING, PAIN & INFLAMMATION
CAUSING PLAINTIFF YEARS OF PAIN & THE EVENTUAL AMPUTATION
OF THE 2ND + 3RD JOINTS OF AFFECTED TOES.

Claim II

State what right under the Constitution, laws, or treaties of the United States has been violated.

U.S.C.A. 8TH + 14TH, DELIBERATE INDIFFERENCE & CRUEL & UNUSUAL,
PUNISHMENT & UNNECESSARY & WANTON INFLECTION OF PAIN &
PHYSICAL & EMOTIONAL PAIN & SUFFERING

Supporting Facts: (State here as briefly as possible the facts of your case. Describe how each defendant is involved and when the conduct occurred. It is not necessary to give any legal arguments or cite any cases or statutes.)

ON OR AROUND 8/20/2013, DEFENDANT DR. JORDAN ELLIOTT -
BIAKESKE EXAMINED THE PAINFUL, SWOLN & INFLAMED TOES
(NAMED IN CLAMIT) DEFENDANT DIAGNOSED SAID CONDITION
AS BEING CAUSED BY IMPROPER SIZED SHOES, PRESCRIBED
SMALLER SHOES, TYLENOL & IBUPROFEN. DEFENDANT CAUSED
ADDITIONAL PAIN & DISCOMFORT.

Claim III

State what right under the Constitution, laws, or treaties of the United States has been violated.

U.S.C.A. § 87414TH, DELIBERATE INDIFFERENCE, COERCION & UNUSUAL
PUNISHMENT; UNNECESSARY & WANTON INFLICTION OF PAIN;
PHYSICAL TORTURE, PAIN & SUFFERING; EXTORTION
FOR MEDICAL SERVICES

Supporting Facts: (State here as briefly as possible the facts of your case. Describe how each defendant is involved and when the conduct occurred. It is not necessary to give any legal arguments or cite any cases or statutes.)

ON OR AROUND 12-24-2013 DEFENDANT GARTH GULICK EXAMINED
PAINFULLY DESCRIBED CONDITION OF PLAINTIFF'S FEET (TOES) TOLD
PLAINTIFF "THERE IS NOTHING WRONG WITH YOUR FEET, BUT
CONTINUE TYLENOL & IBUPROFEN FOR PAIN & INFLAMMATION
ON OR AROUND 4-20-14, DEFENDANT TOLD PLAINTIFF, DIAGNOSIS
HAMMERTOE, RECOMMENDED PODIATRIST, AT PLAINTIFF'S
EXPENSE

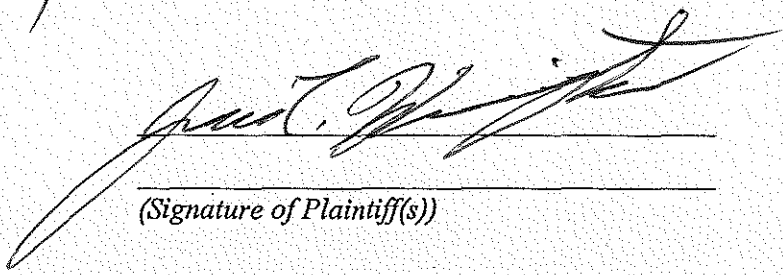
(If you have additional claims, describe them on another piece of paper, using the same outline.)

V. RELIEF

State briefly exactly relief you are seeking. Make no legal arguments. Cite no cases or statutes.

I WANT PEDIATRIC EXAMINATION AT STATES EXPENSE, REMEDIES
IN THE FORM OF INJUNCTIVE & DECLARATORY RELIEF, COMPENSATORY,
NOMINAL & PUNITIVE DAMAGES FROM DEFENDANTS, IN THEIR
OFFICIAL, AND/OR THEIR INDIVIDUAL CAPACITIES.

Signed this 11 day of APRIL, 2016.


(Signature of Plaintiff(s))

CERTIFICATE OF SERVICE

CASE NAME: James Leroy Herrington v. Dr. Jodean Elliott/Blakeslee

CASE NUMBER:

COMES NOW, James Leroy Herrington, and certifies the following:

That I am incarcerated by the Oregon Department of Corrections at Snake River Correctional Institution.

That on the 11th day of April, 2016, I personally placed in the

Correctional Institution's mailing service A TRUE COPY of the following:

Motion to proceed In Forma Pauperis; Motion for Appointment of Counsel; Declaration in Support of Motion for Appointment of Counsel; Civil Cover Sheet; 42 USC § 1983 Complaint; Six Month Inmate Trust Account Statement; Account Certificate

I placed the above in a securely enclosed, postage prepaid envelope, to the person(s) named at the places addressed below:

United States District Court
Office of the Clerk
District of Oregon
Pendleton Division
Suite 740
1000 S.W. Third Avenue
Portland, Oregon
97204-2902

Dated this 11th day of April, 2016

Respectfully Submitted

James Leroy Herrington
4218905
777 Stanton Blvd.
Ontario, Oregon
97914-8335